UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,205	01/23/2004	Atul Mukker	03-2586	8069

7590   06/27/2006

Pete Scott, Senior Corporate Counsel
LSI Logic Corporation
Legal Department - IP
1621 Barber Lane, MS D-106
Milpitas, CA   95035

EXAMINER
ALI, MOHAMMAD

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 January 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/23/04</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   This communication is in response to the application filed on 01/23/04.

The application has been examined and claims 1-20 are pending in this office

action.

Specification

2.   Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

Specific language should consider.

(f)   Background of the Invention: See MPEP § 608.01(c).
      The specification should set forth the Background of
      the Invention in two parts:

      (1)   Field of the Invention: A statement of the field
            of art to which the invention pertains. This
            statement may include a paraphrasing of the
            applicable U.S. patent classification definitions
            of the subject matter of the claimed invention.
            This item may also be titled "Technical Field."

Field of the invention should avoid using the language also multiple times.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 12-20 are not limited to tangible embodiments. In view of Applicant's disclosure, specification paragraph [0040] the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., disk, memory) and intangible embodiments (e.g. transmission media, carrier wave). As such, the claims are not limited to statutory subject matter and therefore non-statutory.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-6, 9, 12-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art ('APA' hereinafter) in view of Butler et al. ('Butler' hereinafter), USPgPub 2003/0012183.

With respect to claim 1,

APA teaches method in a data-processing system for recovering data (see para.

0002, APA), comprising:

identifying desired data from a command line interface displayable within a display area of a data-processing system (see para. 0003, APA);

automatically saving said desired data in a memory location of said data-processing system, in response to identifying said desired data from said command line interface (see para. 0004, APA); and

automatically recovering said data from said memory location of said data-processing system for display within said command line interface, if said desired data is inadvertently deleted (see para. 0004, APA).

APA does not explicitly indicate claimed recovering data with command line interface.

Butler discloses recovering data with command line interface (the subfunctions include configuration session management, alarm interface, database interface, CDR interface, and high availability (HA). The configuration session management controls one or more sessions where a network administrator or a script emulating multiple configuration instructions is submitting configuration updates to the SX 14 using a command line interface (CLI), see para. 0064, Butler).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because recovering data with command line interface of Butler's teaching would have allowed APA's system over the years embedded service functions have been highly optimized as suggested by Butler at para. 0014.

As to claim 2,

APA teaches the step of displaying said data within said command line interface, in response to automatically recovering said data from said memory location of said data-processing system (see para. 0004, APA).

As to claim 3,

APA teaches the step of utilizing said command line interface to interact with an operating system associated with said data-processing system (see para. 0003, APA).

As to claim 4,

APA teaches wherein said operating system comprises a Linux-based operating system (see para. 0002, APA).

As to claim 5,

APA teaches wherein said operating system comprises a Unix-based operating system (see para. 0002, APA).

As to claim 6,

APA teaches wherein said operating system comprises a Windows-based operating system (see para. 0003, APA).

Claims 9, 12-17 and 20 have the same subject matter as of claims 1-6 and essentially rejected for the same reasons as discussed above.

6.   Claims 7,8, 10, 11, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art ('APA' hereinafter) in view of Butler et al. ('Butler' hereinafter), USPgPub 2003/0012183 as applied to above claims and further in view of Allen Cuccio ('Cuccio' hereinafter), USP, 3,653,028.

As to claim 7,

APA teaches the steps of: permitting a user to specify a plurality of rules for recycling said data; recycling said data, in response to user input (see para. 0004, APA).

APA and Butler do explicitly indicate claimed recycling data.

Cuccio discloses claimed recycling data (see col. 18, lines 18-21, Cuccio).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because recovering data with command line interface of Butler's teaching would have allowed APA's system over the years embedded service functions have been highly optimized as suggested by Butler at para. 0014. It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because recycling data of Cuccio's would have allowed APA's and Butler's system to manipulate stored information received from a plurality of a external sources as suggested by Cuccio at col. 3, 42-43.

As to claim 8,

APA teaches the step of prompting said user to specify said plurality of rules for recycling said data through a display of a graphical user interface dialog (see paras. 0003, 0004, APA).
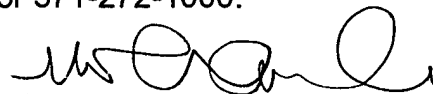
Claims 10, 11, 18, and 19 same subject matter as of claims 7 and 8 and essentially rejected for the same reasons as discussed above.

Contact Information

7.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Mohammad Ali whose telephone number is (571) 272-
4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mohammad Ali
Primary Examiner
Art Unit 2166

MA
June 23, 2006